THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEARS 1877-78.

Published by authority of the Council.

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LIST OF ACTS

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ACTS OF 1877.

Act No. I.—An Act to amend the Jute Warehouse and Fire-Brigade Act, 1872, and Bengal Act II of 1875.

" " II.—An Act to provide for the levy of a cess for the construction, charges, and maintenance of Provincial Public Works.

ACTS OF 1878.

Act No. I.—An Act for licensing trades, dealings, and industries within the territories subject to the Lieutenant-Governor of Bengal.

" " II.—An Act to extend the provisions of Bengal Act VII of 1873 (the Labor Districts Emigration Act) to the district of Chittagong and to the Chittagong Hill Tracts.

" " III.—An Act to define and limit the powers of settlement officers with respect to enhancement of rent.

" " IV.—An Act to amend Bengal Act V of 1866.

" " V.—An Act to amend Bengal Act VII of 1876.

" " VI.—An Act to provide for the cleansing and construction of latrines in first class municipalities.

" " VII.—An Act to consolidate and amend the law relating to the excise revenue in the Presidency of Fort William in Bengal.

" " VIII.—An Act for the regulation of the rural police in the districts of Hazaribagh and Lohardugga.

ACT No. I OF 1877.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 19th December 1876, and of the Governor-General on the 17th January 1877.*)

An Act to amend the Jute Warehouse and Fire Brigade Act, 1872, and Bengal Act II of 1875.

Preamble

WHEREAS it is expedient to amend the Jute Warehouse and Fire Brigade Act, 1872, and Bengal Act II of 1875; It is enacted as follows:—

Substitution of the Commissioners for the Justices.

1. In the said Acts, for the words "the Justices," wherever they occur, the words "the Commissioners" shall be deemed to be, and, since the commencement of the Calcutta Municipal Consolidation Act, 1876, to have been, substituted.

Substitution of the Commissioners for Justices of the Peace.

2 In the Schedule annexed to Bengal Act II of 1875 (*an Act to amend the Jute Warehouse and Fire Brigade Act*, 1872), for the words "the Justices of the Peace" the words "the Commissioners" shall be deemed to be, and, since the commencement of the Calcutta Municipal Consolidation Act, 1876, to have been, substituted.

Definition of Commissioners inserted.

3. In each of the said Acts the following definition shall be inserted:—

"The Commissioners" in this Act means the Corporation of the town of Calcutta."

Commencement of Act

4. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Price six pies

Reg. No. 686.—D. E. J.—2,000—24-1-77.

ACT No. II of 1877.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 11th May* 1877, *and of the Governor-General on the 28th May* 1877.)

An Act to provide for the levy of a cess for the construction, charges, and maintenance of Provincial Public Works.

Preamble.

WHEREAS it is expedient to empower the Lieutenant-Governor of Bengal to levy a cess on immoveable property, and to apply the proceeds of the same to the construction, charges, and maintenance of Provincial Public Works; It is enacted as follows:—

Short title.

1. This Act may be called "the Provincial Public Works Act, 1877."

Extent.

It shall extend to all the districts or parts of districts in which the District Road Cess Act, 1871, is, or may from time to time be, in force. But the Lieutenant-Governor, by notification in the *Calcutta Gazette*, may exempt any district, or sub-division of a district, or any estate or tenure, from the operation of this Act, and may at any time, by a similar notification, cancel such exemption.

Commencement.

It shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

All immoveable property to be liable to a cess.

2. From and after the commencement of this Act, all immoveable property situated within the districts or parts of districts in which this Act is, or may from time to time be, in force shall be liable to the payment of a cess (hereinafter called "the public works cess"),

to be applied to the construction, charges, and maintenance of provincial public works, and such cess shall be recoverable from the several owners and occupiers of such property as hereinafter provided.

Valuations under District Road Cess Act to be valuations for purposes of this Act.

8 All valuations of immoveable property which have been, or may from time to time be, determined under Parts II, III, and IV of the District Road Cess Act, 1871, shall be deemed to be valuations of immoveable property for the purposes of this Act.

Lieutenant-Governor to determine the rate of cess.

4 The Lieutenant-Governor shall, by an order published in the *Calcutta Gazette*, from year to year determine the rate at which the public works cess shall be leviable in each district, and the date from which it shall take effect; such rate shall not exceed one-half of an anna in the rupee of the annual value of the lands in such district

Mode of payment of cess

5. All holders of estates or tenures and cultivating ryots shall pay the public works cess at the rate determined under the last preceding section, and in the manner and the proportions prescribed for the payment of the road cess by section twenty-one of the said District Road Cess Act; and the provisions of sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven of the said Act shall apply to the public works cess.

Cess on mines, quarries, railways, &c.

6 Every mine, quarry, tramway, railway, or other immoveable property, not included within the provisions of Part II and Part IV of the said District Road Cess Act, shall be liable to the payment of the public works cess at the rate determined under section four of this Act, and in the manner and subject to the limitations prescribed for the payment of the road cess by section twenty-eight of the said District Road Cess Act; and the provisions of sections thirty-six and thirty-seven of the said Act shall apply to the public works cess.

The notices required to be served under sections twenty-two and thirty-six of the said District Road Cess Act may also include the amount of public works cess payable under this Act.

Cess on houses.

7. All houses of any of the classes mentioned in Schedule (E) annexed to the said District Road Cess Act shall, save as is provided in section forty of the said Act, be liable to the payment of the public works cess at the rates specified in the said schedule, and in the manner prescribed for the payment of the road-cess by sections thirty-nine of the said District Road Cess Act; and the provisions of sections forty-five, forty-six, forty-seven, and forty-eight of the said Act shall apply to the public works cess.

Application of proceeds and keeping of accounts.

8. The proceeds of the public works cess shall be paid into the public treasury, and shall be applied to the construction, charges, and maintenance of provincial public works in such manner as the Lieutenant-Governor may direct. Accounts of the moneys received and expended under the provisions of this Act shall be kept in such form as the Lieutenant-Governor may prescribe, and a statement showing the receipts, expenditure, and balance of the public works cess shall be published annually in the *Calcutta Gazette*.

Interpretation clause.

9. In this Act the words and expressions "house," "estate," "tenure," "district," "immoveable property," "holder of an estate or tenure," "cultivating ryot," and "annual value of land," shall have the meanings attributed to them respectively in the said District Road Cess Act.

Lieutenant-Governor may declare what are provincial public works, and may make rules

10. The Lieutenant-Governor shall have power to declare, by notification in the *Calcutta Gazette*, what works are to be deemed provincial public works, for the purposes of this Act, and shall have the same powers to make rules for the purposes of this Act as are conferred by section ninety-seven of the said District Road Cess Act.

Reg No. 9235—D. E J —2,000—5-6-77.

ACT No. I of 1878.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant Governor on the 14th February 1878, and of the Governor-General on the 24th idem.)

An Act for the Licensing of Trades, Dealings, and Industries within the territories subject to the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS in order to provide means for defraying the public expenditure from time to time incurred and to be incurred for the relief and prevention of famine in British India it is necessary to effect a permanent increase of the revenue, and it is therefore expedient that persons carrying on trades, dealings, and industries in the territories administered by the Lieutenant-Governor of Bengal should take out Licenses and pay for the same; It is hereby enacted as follows:—

PART I.

Preliminary.

Short title and commencement.

1. This Act may be called "The Bengal License Act, 1878," and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Application.

Parts I, II, and V of this Act apply to all the territories subject to the Lieutenant-Governor of Bengal including the Town of Calcutta; Part III applies to all such territories except the Town of Calcutta; and Part IV applies only to the Town of Calcutta.

Price *annas.*

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Collector."

"Collector" means the Chief Officer in charge of the revenue administration of a district.

The "Commissioners."

"The Commissioners," except in Part IV, mean the Commissioners defined in Bengal Act V of 1876, and in Part IV the Commissioners defined in Bengal Act IV of 1876.

"Local Government."

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Section."

"Section" means a section of this Act.

Saving of Bengal Act IV, 1876.

3. Nothing in this Act shall be deemed to affect the tax on professions, trades, and callings imposed for municipal purposes by Bengal Act IV of 1876.

Act not to apply to cultivators of land or landlords receiving rent in kind.

4. Nothing in this Act shall be deemed to apply to persons earning their livelihood solely by agriculture, or to any cultivator of land as such in respect of the sale of the produce of his land, when he shall not keep a shop or stall for the sale of such produce, or to any receiver of rent in kind in respect of the sale of produce received as such rent.

PART II.

General Provisions applicable in all Districts.

Annual Licenses to be taken out.

5. Every person who, on or after the first day of April 1878, falls under any of the heads of the Schedules hereto annexed, and carries on (whether on behalf of himself or any other person) his trade, dealing, or industry in any district situated in the said territories, shall take out a License under this Act in such district, and shall pay for the same the annual fee specified in the same Schedules as payable by persons of the class to which he belongs. Provided that no person whose annual earnings from his trade, dealing, or industry carried on within such district are less than one hundred rupees shall be required to take out a License under this Act.

For the purposes of this Act the Town of Calcutta shall be deemed to be a separate district.

Officer to grant License

6. Such License shall be granted by the Collector of such district, or by such officer as he may appoint in this behalf; and in Calcutta by the Chairman of the Municipal Commissioners.

Particulars to be specified in the License.

7. Every such License shall specify—

(*a*) the date of the grant thereof;

(*b*) the name, father's name, residence, caste, if any, and the trade, dealing, or industry, of the licensee;

(*c*) the fee paid for the license;

(*d*) the place or places within such district at which the licensee intends to carry on his trade, dealing, or industry for the ensuing year;

(*e*) the term for which such License shall remain in force;

and shall be received in evidence as *primâ facie* proof of all matters contained therein.

Commencement and expiration of License.

8. Every such License shall have effect in such district only, and shall continue in force from the day of the date thereof until the first day of April next after the day of the granting thereof.

Renewal of License

9. Every person to whom any such License has been granted and who desires to continue to carry on his trade, dealing, or industry in such district after the expiration thereof, shall take out a fresh License for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same so long as he desires to carry on such trade, dealing, or industry.

PART III.

Applicable to all Districts except Calcutta.

Collector to prepare annual list of Licensees

10. As soon as may be after the commencement of this Act, and the first day of January in every subsequent year, the Collector shall prepare a list of

the persons in the district aforesaid to be licensed under this Act. Such list shall state—

(*a*) the trade, dealing, or industry of each of the persons therein named;

(*b*) the class and grade under which he is charged; and

(*c*) the fee to be paid for his License.

Such list shall be in such language as the Local Government may direct, but a copy thereof in the language of the district shall be filed in the Office of the Collector, and shall be open to public inspection at all reasonable times without any payment.

The Local Government shall have power to declare what shall, for the purposes of this Act, be deemed to be the language of the district.

Collector may require list of persons in any House.

11. The Collector may by a notice in writing require the occupier of any house, manufactory, or shop to forward to him a statement in writing signed by the occupier of the names of all persons residing in such house or working in such manufactory or shop, and of their respective trades, dealings, industries, or occupations.

Collector to determine class under which Licensee is to be charged.

12. The Collector shall from time to time determine under which of the classes or grades mentioned in Schedule A hereto annexed every person required to take out a License under this Act shall be charged, and shall prepare or amend the said list accordingly.

Persons carrying on several trades.

13. A person or firm carrying on several trades, dealings, or industries in the same district, and coming under more than one of the designations in the said Schedule, shall be chargeable only under one of the said designations at the discretion of the Collector. And in the case of a firm, payment by any one of the partners shall, for the purposes of this Act, be considered payment by the firm.

Power to remit fee.

14. The Collector may, subject to such rules as the Local Government may lay down, remit the whole or any part of the fee payable under

this Act by any person who may carry on his trade, dealing, or industry for a portion of the year only.

Publication of list and notification.

15. The list, or such part or parts thereof as the Collector thinks fit, shall be published in the principal bazars, and at all police-stations of all towns, and at all sub-divisional offices police-stations, and out-posts in the district, and at some conspicuous place in all villages concerned, together with a notification setting forth the Schedule hereto annexed applicable to the district, and directing that if any person falling under any of the classes specified in the said Schedule, whether he is mentioned in such list or not continues his trade or dealing in the said district, payment of the fee specified in the list as payable by him, or, when he is not mentioned in such list, of the fee mentioned in the said Schedule as payable by persons of the class and grade to which he belongs, must be made by him within sixty days of the date of the publication of the notificaton, and within sixty days next after the first day of April of each succeeding year.

Levy of fees on artisans and others in large works.

16. When statement in writing has been furnished to the Collector under Section eleven, from which it appears that any person in the employ of any other person, company, or corporation is chargeable with fees under this Act, the Collector may require the employer of such person to deduct the amount of his fee from any salary or wages due to such person, and to pay it to the Collector on his behalf.

Petition of objector.

17. Any person mentioned in the list referred to in Section ten, and objecting to the class or grade in which he is charged, may, within thirty days after its publication, or within such further time as the Collector may in each case think fit, apply by petition to the Collector in order to establish his right to have his name transferred to another class or grade, or altogether removed from the list.

Hearing of petition.

18. The Collector shall fix a day for the hearing of the petition, and on the day so fixed, or on such subsequent day as he may from time

to time direct, shall hear the same and pass such order thereon as he thinks fit.

Provided that if in the judgment of the Collector the petitioner is able to show that the fee which has been charged exceeds two per centum upon his annual earnings in his trade, dealing, or industry within the district, such excess shall, for the purpose of Section seventeen, be deemed a valid ground of objection, and the Collector shall thereupon order the petitioner's name to be transferred to another class or grade, or to be altogether removed from the list. The Collector may also on this ground at any time reduce the amount of fee payable by any person under Class V of Schedule A hereto annexed, to the fee payable under Class VI.

Appeals.

19. There shall be no appeal from an order of a Collector under Section eighteen; but where the order is passed by any officer subordinate to a Collector, an appeal shall lie to the Collector, or to some officer specially empowered by the Local Government in this behalf, whose decision shall be final. Every petition of appeal under this section shall be accompanied by a copy of the order complained of and be presented within fifteen days of the date of such order. In computing the said period of fifteen days, the day on which the order complained of was made, and the time requisite for obtaining a copy of the same, shall be deducted.

Power to summon witnesses, &c.

20. The Collector may, for the purpose of enabling him to determine under which of the said classes or grades the petitioner should be charged, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

Provided that the Collector shall not, in the course of any proceedings under this Section, call for any evidence except at the instance of the petitioner, or in order to ascertain the correctness of facts alleged by him.

Penalty for carrying on business without a License

21. If after expiry of the period mentioned in the notification published under Section fifteen for payment of the amount specified therein, any person carries on his trade, dealing, or industry without having taken out a License as required by this Act, he shall be liable by order of the Collector to pay a fine not exceeding thrice the amount payable by him in respect of such License, exclusive of the amount so payable; and on receipt of such payment the Collector shall grant him a License.

Recovery of fees and penalties.

22 All sums due under Section twenty-one, and all fees payable under this Act, shall, where the amount exceeds fifty rupees, be recoverable either as if they were arrears of land revenue, or by distress and sale of the moveable property of the person liable, at the discretion of the Collector. In all other cases they shall be recoverable by distress and sale of the moveable property of the person liable.

The provisions of Sections 113, 114, 115 and 119 of Bengal Act V of 1876 shall apply as far as possible to warrants of distress and sale issued by the Collector under this Section, and no tools or implements of trade or agriculture shall be distrained or sold under any such warrant.

Limitation.

23. No sums due under this Act shall be recoverable by any process of law after the expiry of three months from the last day of the year in respect of which they are payable.

License to be produced on demand.

24. Every person holding a License under this Act shall produce and show such License when required so to do by an officer generally or specially empowered in writing by the Collector to make such requisition.

Prosecution to be at instance of Collector.

But, save so far as is provided in Section twenty-nine, no person shall be proceeded against for neglect or refusal to produce such License except at the instance of the Collector.

Courts of Wards, Receivers, and Managers chargeable.

25. Courts of Wards and receivers and managers, appointed by any Court in British India, shall be chargeable under this Act in respect of any trade, dealing, or industry of which the income is officially in their possession or under their control.

Power to trustee, &c., to retain money for payment of fee.

26. When any trustee, guardian, curator, committee, or agent is charged under this Act in such capacity, or when any Court of Wards or receiver or manager, appointed by any Court, is charged under this Act, every Court and person so charged may, from time to time, out of the money coming to its or his possession as such trustee, guardian, curator, committee, or agent, or as such Court of Wards, receiver, or manager, retain so much as is sufficient to pay the fee charged.

Every such person or Court is hereby indemnified for every retention and payment made in pursuance of this Act.

Power to require returns from Municipalities.

27. The Collector may require the Commissioners, and the punchait of any union constituted under Bengal Act V of 1876, or any village punchait appointed under Bengal Act VI of 1870, to furnish, within a period to be specified under the orders of the local Government, returns showing the names and numbers of persons chargeable under this Act resident within the limits of their municipality, union or village, together with the class under which they respectively fall and the fees payable by them respectively.

If the Commissioners or the punchait fail within the period prescribed to make such returns, or if they make such returns and the Collector has reason to doubt their accuracy, he may at any time revise the return or cause a return showing the names, numbers, and classes aforesaid to be prepared in such manner as may be prescribed by the Local Government.

Such return when finally accepted or settled by the Collector shall be deemed to be the list referred to in Section ten.

Petition of objection.

On the presentation of a petition of objection under Section seventeen by any person entered in such list, the Collector may either dispose of it him-

self or may refer it to any officer specially empowered by Government under Section nineteen, or to a bench of not less than three Commissioners, whose decision shall be final.

Notice to Municipalities.

28. When the return mentioned in the last preceding Section has been furnished or prepared for any municipality, station, or union, the local Government may call upon the Commissioners, or may direct the Magistrate in the case of a union, to pay to the Collector, within a period to be named by the Local Government, a sum calculated on such return in accordance with the provisions of this Act, after such deduction for necessary expenses as the Local Government may fix.

Penalties and fines to be credited to Municipal Funds.

29. The Commissioners and Magistrate as aforesaid may take proceedings under Sections twenty-one and twenty-four for the recovery of any penalties and fines, and shall exercise the powers conferred on a Collector by Section twenty-four.

All such penalties and fines shall, when so recovered, be credited to the Municipal, Station, or Union Fund, as the case may be.

Power of recovery in Municipalities.

30. The Commissioners and the Magistrate as aforesaid shall have the same powers of recovering the fees chargeable under this Act within the limits of their municipality, station, or union that they have for the realization of municipal taxes under Bengal Act V of 1876. Where the amount due exceeds fifty rupees and it cannot be recovered in the manner above provided, application may be made by the Commissioners or Magistrate aforesaid to the Collector, and the Collector shall thereupon proceed to recover it as an arrear of land revenue. The said Commissioners or Magistrate may also appropriate any part of the revenues of their municipality, station, or union for the payment of any sum leviable from it under Section twenty-eight; and if the sum so leviable is not paid at due date, the local Government may order it or any part of it to be deducted from any funds standing to the credit of the municipality, station, or union in any Government treasury.

Exemption of Licensees from house cess under Road Cess and Public Works Acts

31. No person who pays fees under this Act shall, so long as he continues to pay the same, be liable to pay any instalment of road cess or public works cess on his house under Part IV of Bengal Act X of 1871, or Section 7 of Bengal Act II of 1877, falling due after the first day of April 1878.

Powers of Collector under Act may be exercised by other Officers

32. All or any of the powers and duties conferred and imposed by this Act on a Collector may, subject to the orders of the Collector of the district, be exercised and performed by any Assistant or Deputy Collector, or by such other officer as the Local Government shall from time to time appoint in this behalf.

PART IV.

Special Provisions for the Town of Calcutta.

Special scale of fees in Calcutta.

33. From every person who shall within the town of Calcutta exercise any of the trades, dealings, industries, or callings included in the classes specified in Schedule B hereto annexed, the Commissioners shall levy the fees shown in the said Schedule, and shall pay to the Local Government annually a sum to be fixed by such Government and calculated on the proceeds of such fees. For the purposes of this Part, any person working or carrying on business in Calcutta shall be deemed to be a resident of Calcutta, and the town of Calcutta shall be deemed to include all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Fort William in Bengal, including Fort William itself, the river Hooghly within Port limits, the Esplanade, and Coolie Bazar, now called Hastings.

Procedure in Calcutta

34. The Provisions of Sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, twenty, twenty-one, twenty-three, twenty-four, twenty-five, and twenty-six shall be in force in the Town of Calcutta, and all the powers of a Collector under the said Sections shall be exercised by the Chairman of the Commissioners, or by some person or persons authorized by him in that behalf.

Petition of objection.

35. On the presentation of a petition of objection under Section seventeen, the Chairman may either himself dispose of it, or may refer it for disposal to a bench of not less than three Commissioners. The Chairman or any such bench may reduce the amount of fee payable by any person under the said Schedule B to the fee payable under any lower class or grade of that Schedule on its being shown to his or their satisfaction that the fee charged exceeds two per centum upon the annual earnings of such petitioner in his trade, dealing, or industry carried on within the limits of the said Town of Calcutta; and the Chairman shall amend the list published under Section fifteen in accordance with the orders passed upon such petition.

There shall be no appeal from any orders passed under this Section.

Recovery of sum due under this Part.

36. The Commissioners shall have the same powers for the recovery of all sums due under this Part that they have for the relization of municipal rates under Bengal Act IV of 1876.

PART V.

Miscellaneous.

Disposal of fees and penalties.

37. From the nett amount of all fees and penalties paid or recovered under this Act other than those credited to Municipal, Station, or Union Funds under Section twenty-nine, after deducting the expense of collection, so much as the Governor-General in Council from time to time directs shall be applied, in such manner as the Governor-General in Council thinks fit, for the purpose of increasing the revenues available for defraying expenditure incurred or to be incurred for the relief and prevention of famine in the territories administered by the Local Government, or, if the Governor-General in Council so directs, in any other part of British India.

The residue (if any) of such nett amount shall be carried to the credit of the Local Government.

Obligation to furnish information.

38. Every person shall be legally bound to furnish information to any officer or person exercising any of the powers of a Collector under this Act when required by him to do so.

Power to exempt and make rules.

39. The Local Government may from time to time (*a*) exempt from the operation of this Act any portion of the territories subject to such Government, or any persons or class of persons in such territories, and may (*b*) make rules consistent with this Act—

(1) for defining more precisely the classes of persons liable under this Act;

(2) for regulating the time and manner of collecting the fees charged under this Act;

(3) for reducing the fees chargeable to members of the same family when living and working together;

(4) for providing in any case or class of cases for serving notices on persons charged under this Act; and

(5) generally for the guidance of officers in all matters connected with the enforcement of this Act.

SCHEDULE A.

Fees for Licenses applicable throughout the Territories subject to the Lieutenant-Governor of Bengal with the exception of the Town of Calcutta.

Class I.—Every joint-stock company; every banker; every wholesale merchant, dealer, commission agent, or manufacturer; every professional money-lender; every ship-owner; and every mill-owner or screw-owner.	First Grade, Rs 500. Second Grade, Rs. 200

		Rs.
Class II.—	Every person carrying on any trade, dealing, or industry who shall be adjudged by the Collector to be a licensee of this class ...	100
Class III.—	Every person carrying on any trade, dealing, or industry who shall be adjudged by the Collector to be a licensee of this class ...	50
Class IV.—	Every person carrying on any trade, dealing, or industry who shall be adjudged by the Collector to be a licensee of this class ...	20
Class V.—	Every person carrying on any trade, dealing, or industry within any first class municipality and not charged under any of the foregoing classes, and every other person who shall be adjudged by the Collector to be a licensee of this class	5
Class VI.—	Every person carrying on any trade, dealing, or industry and not charged under any of the foregoing classes.	First Grade, Rs. 2. Second Grade, Re. 1.

SCHEDULE B.

Fees for Licenses applicable only in the Town of Calcutta.

Class I.—	Every joint-stock company; every banker, shroff, or banian; every wholesale merchant, dealer, commission agent, or manufacturer; every builder; every contractor; every carrying company; every owner or farmer of hauts or bazars; every owner of cotton, jute, hide, or other screws; every ship-owner or dock-owner or owner of chowks; and every auctioneer.	First Grade, Rs 500. Second Grade, Rs. 200.

	Rs.
Class II.—Every broker or dalal employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandise; every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills-of-exchange; every freight broker; every owner or lessee of a theatre or other place of public amusement; and every wholesale bepari	100
Class III.—Every professional accountant; every auditor; every appraiser paid by fees; every surveyor; every mill-owner; and every person included in Class II of the third Schedule of Bengal Act IV of 1876, not charged under Class I above	50
Class IV.—Every manufacturer of mrated waters; every dealer in gold or silver, or old building materials; every stevedore; and every person included in Class III of the third Schedule of Bengal Act IV of 1876, not charged under Class II above	25
Class V.—Every brazier; every coppersmith; every die-sinker; every engraver; every farrier; and every person included in Class IV of the third Schedule of Bengal Act IV of 1876 ...	12
Class VI.—Every person carrying on any trade, dealing, or industry not charged under any of the foregoing classes.	First Grade, Rs. 5. Second Grade, Rs. 2. Third Grade, Re. 1.

P. J. P.—M. O. F. No. 2236—1,000—1-8-78.

ACT No. II OF 1878.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 5th February 1878, and of the Governor-General on the 25th idem.)

An Act to extend the provisions of Bengal Act VII of 1873 (the Labor Districts Emigration Act) to the district of Chittagong and to the Chittagong Hill Tracts.

Preamble.

WHEREAS it is expedient to extend the provisions of Bengal Act VII of 1873 (the Labor Districts Emigration Act) to the district of Chittagong and to the Chittagong Hill Tracts: It is enacted as follows:—

Commencement of Act.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Amendment of section 3 of Bengal Act VII of 1873.

2. For the third paragraph of section 3 of Bengal Act VII of 1873 the following shall be substituted:

"Labor districts."

"The labor districts" mean the districts of Assam, Cachar, Sylhet, Chittagong, and the Chittagong Hill Tracts, and a "labor district" means any one of those districts.

Amendment of Schedules C and D.

3. For the words "the districts of Assam, Cachar, and Sylhet," in Schedules C and D of the said Act, the words "Assam, Cachar, Sylhet, Chittagong, and the Chittagong Hill Tracts," shall be substituted.

Price six pies.

Part III of Bengal Act VII of 1875 to extend to existing contracts.

4. The provisions of Part III of the said Act shall be deemed to extend to all laborers who at the time of the commencement of this Act shall be serving in the district of Chittagong or the Chittagong Hill Tracts in accordance with any contract to labor, provided that they have been conveyed to the said districts at the expense of their employers.

Reg. No. 18040—1-4-78.

ACT No. III OF 1878.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 25th February* 1878, *and of the Governor-General on the 26th March* 1878.)

An Act to define and limit the powers of Settlement Officers with respect to enhancement of rent.

Preamble.

WHEREAS it is expedient to define and limit the powers of settlement officers in the territories subject to the Lieutenant-Governor of Bengal in respect of the enhancement of rent: It is enacted as follows:—

Commencement of Act.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Rent of ryot having right of occupancy not to be enhanced by settlement officer except as under Bengal Act VIII, 1869, or Act X, 1859.

2. No ryot having a right of occupancy shall be liable to have the rent previously payable by him enhanced in the course of any settlement proceedings under Regulation VII of 1822, except on some one or more of the grounds specified in section 18 of Bengal Act VIII of 1869 or, where Act X of 1859 is still in force, in section 17 of the latter Act.

Provisoes added to section 15, Bengal Act VIII, 1869, and section 14, Act X, 1859.

3. The following words shall be added to section 15 of Bengal Act VIII of 1869, and to section 14 of Act X of 1859:—

"Provided that where in the course of any settlement proceedings conducted under Regulation VII of 1822, and confirmed by the revenue authorities from time to time empowered in this

behalf by the local Government, a higher rent has been recorded as demandable from any undertenant or ryot than was previously paid by him, such rent shall be deemed to have been correctly enhanced until the contrary is proved.

"Provided also that any suit by such undertenant or ryot to contest his liability to pay the enhanced rent shall be instituted within three months from the date of the service of the notice of enhancement, and provided also that, unless he has instituted such suit within such period, he shall not contest the said liability in answer to any suit which may be preferred against him for recovery of arrears of enhanced rent after the expiration of three months from the date of service of such notice, anything in this Act to the contrary notwithstanding."

Notice to sign *jummabandi* shall be deemed notice of enhancement.

4. A notice in writing served on an undertenant or ryot by, or by the authority of, a settlement officer, calling on him to attend and sign the *jummabandi*, shall be deemed a notice within the meaning of section 14 of Bengal Act VIII of 1869, and section 13 of Act X of 1859.

Provided that it shall not be necessary to make personal service of such notice on each undertenant or ryot, but that service may be lawfully made through proclamation by beat of drum of a general notice addressed to all whom it may concern, and by affixing such general notice with a copy of the *jummabandi*, or of such part thereof as the Collector may think fit, at the mal cutcherry of the village to which the *jummabandi* relates, or at some other conspicuous place therein.

In case of enhancement, the rent and grounds of enhancement to be specified in notice.

5 Whenever in any settlement proceeding conducted and confirmed as aforesaid a higher rent than the rent previously paid has been recorded as demandable from any ryot having a right of occupancy, the amount of such higher rent and the grounds of the enhancement shall be specified in any notice served upon the said ryot under clause 1 of section 4 or in the *jummabandi* appended to any general notice served under clause 2 of section 4, as the case may be.

Application of Act.

6. The provisions of this Act shall apply to all settlement proceedings under Regulation VII of 1822 which, after the commencement of this Act, may be confirmed by the revenue authorities mentioned in section 3, whether such proceedings shall have been commenced before or after the commencement of this Act.

Reg. No. 116—2,000—12 4-78.

Repealed

ACT No. IV of 1878.

PASSED BY THE LIEUTENANT GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 10th April* 1878, *and of the Governor-General on the 4th May* 1878)

An Act to amend Bengal Act V of 1866

WHEREAS it is expedient to amend Bengal Act V of 1866; It is enacted as follows:—

Preamble.

Clauses added to section 2 of Bengal Act V of 1866

1. To section two of the said Act the following clauses shall be added:

"But the local Government may, if it think fit, empower the Corporation of the Town of Calcutta to appoint such registering officer, and any officer when so appointed shall, so far as the Town and Suburbs of Calcutta are concerned, be subject to the order, disposition, and control of the said Corporation.

"The appointment and removal of such registering officer shall be subject to the provisions of section thirty-six of the Calcutta Municipal Consolidation Act, 1876."

Commencement of Act

2. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Reg No 1403—D E. J —22-5 78

ACT No. V OF 1878.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 10th April* 1878, *and of the Governor-General on the 16th May* 1878.)

An Act to amend Bengal Act VII of 1876.

WHEREAS it is expedient to amend Bengal Act VII of 1876: It is enacted as follows:—

Preamble.

New clause substituted in section 55 of Bengal Act VII of 1876.

1. For the first clause of section fifty-five of the said Act the following shall be substituted:—

"If the applicant's possession of, succession to, or acquisition by transfer of, the extent of interest in respect of which he has applied to be registered, is disputed by or on behalf of any person making a conflicting claim in respect thereof, and if it is not proved to the satisfaction of the Collector that any person is in possession of the interest in dispute, the Collector shall determine summarily the right to possession of the same, and shall deliver possession accordingly, and shall make the necessary entry in the registers."

Commencement of Act.

2. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Reg. No. 1638—D.E. J.—2,000—30-5-78.

ACT No. VI OF 1878.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 10th April 1878, and of the Governor-General on the 20th June 1878.*)

An Act to provide for the cleansing and construction of Latrines in first-class Municipalities.

Preamble.

WHEREAS it is expedient that the Commissioners of first-class municipalities under the Bengal Municipal Act, 1876, should have power to levy fees for the cleansing of public and private latrines, and also to cause the construction of latrines within the limits of such municipalities: It is enacted as follows:—

Definition of "the Commissioners," and of "holding."

1. In this Act "the Commissioners" means the Commissioners of any first-class municipality under the Bengal Municipal Act, 1876;

and "holding" means a holding as already ascertained for purposes of assessment under the said Act.

Lieutenant-Governor may publish order on recommendation of Commissioners.

2. The Lieutenant-Governor of Bengal may, on the recommendation of the Commissioners at a meeting, by an order published as prescribed in section 365 of the said Act, declare that from a date to be specified in such order, the Commissioners will maintain an establishment for the cleansing of all public and private latrines within the limits of the municipality, or any part thereof; and the Commissioners shall make suitable provision accordingly.

Price 1 *anna.*

Commissioners may levy fees.

3. When such provision has been made, the Commissioners may, notwithstanding anything contained in section 77 of the said Act, levy fees, to be fixed on such scale, with reference to the annual value of holdings within the limits of the municipality, or such part thereof as aforesaid, as the Lieutenant-Governor of Bengal may, on the recommendation of the Commissioners at a meeting, from time to time direct;

but the fee shall not exceed three rupees per annum where the valuation of the holding amounts to, or is less than, twenty-five rupees;

and the fee on any one holding shall not exceed four hundred and eighty rupees.

Provided that if, on the commencement of this Act, the owners or occupiers of any holding are already under engagement to pay to the Commissioners an annual sum exceeding four hundred and eighty rupees for the cleansing of their premises, such sum, or such other sum as may from time to time be agreed upon between them and the Commissioners, may be levied from them in accordance with the provisions of this Act.

Recovery of fees.

4. The said fee shall be payable by the occupier for the time being of the holding, or by the owner thereof under section five of this Act, in quarterly instalments, and shall be recoverable in the manner prescribed for the recovery of the rate on the value of holdings in the Bengal Municipal Act, 1876.

Every instalment of the said fee shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

The proceeds of the said fees shall be applied to the maintenance of the said establishment, and to the providing of public latrines, and generally to carrying out the provisions of this Act.

A list of the said fees, and of the persons liable to pay the same, shall be published once in every year as prescribed in section 365 of the Bengal Municipal Act, 1876.

5. If any holding is occupied in severalty by more than one person, the Commissioners may levy the said fee from the owner of such holding, who may recover from each occupier such sum as shall bear to the entire amount of the fee so levied the same proportion as the value of the part of the holding in the occupation of such person bears to the entire value of such holding

In certain cases fee may be levied from owner, who may recover from occupier

6 Every owner who, under the provisions of the last preceding section, is entitled to recover any sum from the occupier of any part of a holding, shall have for the recovery of the said sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the holding as may be in his occupation.

Owner may recover fees from occupier as rent

7. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with any occupier or owner as aforesaid of any railway premises or of any premises used as a factory, dockyard, workshop, cooly depôt, school, hospital, market, court-house, or other similar place, for a certain sum to be paid by such occupier or owner in lieu of such fee.

Commissioners may compound with occupier or owner of certain premises for fee

8 The Commissioners may, in lieu of the aforesaid fee, levy a rate per head, to be fixed by the said Lieutenant-Governor, on the recommendation of the Commissioners at a meeting, on the number of persons living within, or habitually resorting to, any such railway premises, factory, dockyard, workshop, cooly depôt, school, hospital, market, court-house, or other similar place

Commissioners may levy a rate per head

9 The Commissioners may reduce the amount of a fee payable under this Act, or may remit the fee if in their opinion the levy of it would be productive of excessive hardship to the person liable to pay the same

Commissioners may reduce or remit fee

10. Whoever refuses to pay any fee or rate due under this Act, or, having compounded for the payment of a certain sum under section seven

Penalty

of this Act, refuses to pay such sum, shall be liable, on conviction to a fine not exceeding three times the amount payable by him, exclusive of the amount so payable

Exemption from prosecution under section 203 of Bengal Act V of 1876

11. No person liable to pay a fee or rate under the provisions of this Act shall be punished with fine for neglecting or refusing to keep his privy in a proper state under section 203 of the Bengal Municipal Act, 1876

Powers of servants of Commissioners employed for this Act

12 All servants of the Commissioners employed for the purposes of this Act may, within such hours as may be fixed by the Commissioners, enter on any premises of which the occupier or owner is liable to pay a fee or rate as aforesaid, and do all things necessary for the performance of their duties under this Act.

Commissioners may require nightmen to take out licenses

13. The Commissioners at a meeting may make an order requiring all nightmen within the limits of the municipality, or any part thereof, to take out licenses, and to be servants of the Commissioners for the purpose of removing offensive matter from premises within the said limits.

The Commissioners at a meeting may grant such licenses subject to such conditions as they may think fit, and may impose fees in respect of the same

Subject to the approval of the Local Government, the Commissioners may make rules consistent with this Act, to define the duties of such nightmen, and from time to time alter, add to, or repeal such rules; and any breach of such rules shall subject the offender to a forfeiture of his license and to a fine not exceeding twenty rupees

Commissioners may require latrine to be constructed, and in default may construct themselves

14. If the Commissioners think that any latrine or additional or common latrine should be provided for any house or land within the limits of the municipality, the owners of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, or within such

longer time as the Commissioners may for special reasons allow, cause such latrine to be constructed in accordance with the requisition of such notice; and if such latrine is not constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause the same to be constructed, and the expenses thereby incurred shall be paid by the owners, and shall be recoverable as provided in section four of this Act.

Commissioners may require list of persons in a holding.

15. The Commissioners may, by a notice in writing, require the owner or occupier of any holding to furnish, within a time to be specified in the notice, a list of the number of persons residing in, or habitually resorting to, such holding.

Penalty.

16. Whoever, being the owner or occupier of any holding, fails to furnish such list within the time specified in such notice after being required in that behalf by the Commissioners, shall be liable to a fine not exceeding one hundred rupees.

Commencement of Act.

17. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Construction of Act

18. This Act shall be read with, and taken as part of, the Bengal Municipal Act, 1876.

Reg. No. 2966—D. E. J.—2,000—9-7-78.

ACT No. VII OF 1878.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 1st May* 1878, *and of the Governor-General on the 3rd July* 1878)

An Act to consolidate and amend the Law relating to the Excise Revenue in the Presidency of Fort William in Bengal.

WHEREAS it is expedient to consolidate and amend the laws relating to the manufacture, sale, and possession of exciseable articles, and to the collection of the revenue derived therefrom: it is enacted as follows:—

Preamble

PART I.

PRELIMINARY.

Short title

1. This Act may be cited as "The Bengal Exciso Act, 1878."

Extent and commencement

2. It extends, save as is hereinafter expressly specified, to all the territories for the time being administered by the Lieutenant-Governor of Bengal, and shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Enactments repealed

3. The enactments specified in the Schedule hereto annexed are hereby repealed to the extent mentioned in the third column thereof.

This repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act

Price 3 *annas*

And all rules prescribed, appointments made, powers conferred, licenses granted, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, granted, and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

Interpretation clause

4. In this Act—unless there be something repugnant in the subject or context—

"Board" means the Board of Revenue for the provinces for the time being administered by the Lieutenant-Governor of Bengal.

"Board"

"Collector" includes also a Deputy Collector, or other revenue officer in independent charge of the district,

"Collector"

a Superintendent of Excise Revenue,

any covenanted or uncovenanted officer to whom the Collector may make over, with the previous sanction of the Commissioner (as he is hereby empowered to do), any of his powers or duties under this Act.

"Commissioner" means the Commissioner of a Revenue Division.

"Commissioner."

"Excisable article" includes spirituous and fermented liquors and intoxicating drugs as defined by this Act.

"Excisable article"

"Fermented liquor" includes

"Fermented liquor"

malt liquor of all kinds; *tárí*, fresh or fermented;

pachwái, diluted or undiluted; and

any other intoxicating liquor which the Local Government may from time to time declare to be included in this definition.

"Intoxicating drugs" include—

"Intoxicating drugs"

ganja;
bhang or siddhi;
charas;

every preparation and admixture of any of the above;

any other intoxicating drug which the Local Government may from time to time declare to be included in this definition.

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity

"Local Government"

"Section" means a section of this Act.

"Section."

"Spirituous liquor" includes any spirituous liquor imported into India or manufactured in India by any process of distillation.

"Spirituous liquor"

"The Town of Calcutta" includes all places within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal.

"The Town of Calcutta."

For the purposes of this Act the Town of Calcutta shall be deemed to be a separate district.

Calcutta a separate district

PART II.

MANUFACTURE OF EXCISEABLE ARTICLES.

5. No person shall manufacture any exciseable article, or cultivate plants from which intoxicating drugs are produced, without a license from the Collector.

Manufacture of exciseable articles and cultivation of plants without license prohibited

6 No person shall construct or work a brewery without a license from the Collector

Construction and working of brewery without license prohibited

7 No person shall construct or work a distillery after the manner in which distilleries are constructed and worked in Europe without a license under the signature of the Collector of the district in which such distillery is situated, or, in case the distillery is within twenty miles of Calcutta, or such other distance less than twenty miles as may from time to time be prescribed by the Local Government, without a license under the signature of the Collector of Calcutta.

European distilleries not to be constructed or worked without license.

8. The Board may from time to time make rules relative to

the granting of licenses under the two last preceding sections,

Board may prescribe rules for European distilleries and for breweries

the management of distilleries and breweries established under the said sections, and

the issue of spirituous and fermented liquors therefrom.

9. The Collector, with the sanction of the Board, may

establish, at any place within his jurisdiction, a distillery in which spirituous liquors may be manufactured after native processes,

Collectors may establish native distilleries for spirituous liquors.

from time to time fix limits within which no such liquors, unless manufactured at the said distillery, shall be introduced or sold without a pass from the Collector, and within which no stills shall be constructed or worked, or spirituous liquors manufactured, except at the said distillery,

discontinue any distillery so established, and permit the manufacture of such liquors in distilleries established under section 7.

10. The Board may from time to time make rules relative to

Board may prescribe rules for native distilleries

the management of distilleries established under the last preceding section,

the conditions on which spirituous liquors may be manufactured in the said distilleries, and

the issue of such liquors therefrom.

PART III

Sale and Possession of Excuseable Articles.

Excisable articles not to be sold without license

11 No person shall sell any exciseable article without a license from the Collector

Fee for wholesale license

12. Persons taking out licenses for the wholesale vend of spirituous and fermented liquors shall pay, for every such license, such sum as the Board from time to time prescribes.

The license shall be current only in the district in which it is granted.

But travelling merchants may obtain, under such rules and restrictions as the Board from time to time may prescribe, a general license, authorizing them to sell by wholesale in any district which they may visit in the course of their travel, without taking out a fresh license for that district.

Fee for retail license

13. Persons taking out licenses for the retail sale of exciseable articles, or for the establishment of outstills, and the sale of the liquor manufactured therein, shall pay for every such license such fee or duty as may from time to time be fixed with the sanction of the Board, or a fee or duty regulated in such manner and in accordance with such rules as the Board may prescribe;

and such fee or duty shall be specified in the license, and shall be payable at such periods as the Board may direct.

Local Government may suspend operation of provisions relating to tárí.

14. The Local Government may suspend the operation of all the provisions relating to tárí contained in this Act with respect to any district in which the consumption of tárí in a fermented state is inconsiderable; and thereupon tárí may be possessed and sold without license in any such district, notwithstanding anything contained in this Act

Wholesale and retail sale

15 Unless the Board shall otherwise specially direct, the sale of any exciseable article in a larger quantity than is specified below shall be deemed

to be a sale by wholesale, and the sale of any other quantity shall be deemed a retail sale:—

spirituous or fermented liquors, two imperial gallons or twelve quart bottles;

tárí or pachwáí, twelve seers;

ganja, siddhi or bhang, or any preparation or admixture of the same, one quarter of a seer;

charas, or any preparation or admixture of the same, five tolahs weight.

No licensed wholesale vendor shall sell by retail, and no licensed retail vendor shall sell by wholesale.

Sale of assortment.

Under this section a sale of an assortment of spirituous or fermented liquors in the quantity specified above, or in less quantity, by a licensed wholesale vendor, and a similar sale of such liquors in greater quantity than is specified above by a licensed retail vendor, are prohibited.

The Board may by rule define what shall be held to be an assortment for the purposes of this section.

The Board may also determine what shall be a retail sale of any article from time to time declared by the Local Government to be included in the definition of intoxicating drugs under this Act.

Restriction of sale of ganja and bhang.

16. No cultivator of the plants producing ganja or bhang shall sell such plants, or any ganja or bhang produced therefrom, to any one other than a person duly authorized to purchase the same by pass or license from the Collector.

Illegal possession.

17. No person, not being a licensed vendor, shall have in his possession a greater quantity of any exciseable article than that specified in section 15.

PART IV.

Duties.

Removal of spirituous liquor from distilleries.

18. No spirituous liquor shall be removed from any distillery, or the warehouses connected therewith, upon which duty has not been paid at the rate leviable under any Tariff Act for the time being in force, or until a bond has been executed for such duty.

For all spirituous liquor removed upon payment of duty or under bond, passes shall be issued by the Collector, which shall specify

the quantity and description of the liquor,

the place of its destination,

the amount of the duty,

the person to whom it is consigned, and

whether the duty has been paid or secured by bond, and

the period for which the pass shall be current.

Spirituous liquors from foreign territory subject to duty.

19. Spirituous liquor manufactured at any place in India beyond the limits of British India shall, on passing the limits of the territories to which this Act applies, be charged with the duty prescribed for spirituous liquor in the last preceding section.

PART V

FARM OF DUTIES.

Collector, with the sanction of the Board, may farm out the duties.

20. The Collector may, with the sanction of the Board, let in farm the duties leviable on the retail sale of excisable articles, or any of them, in any district or division of a district.

Board may prescribe rules.

21. The Board may prescribe rules—

for the invitation and acceptance of tenders for such farms,

for the requisition of security for the due fulfilment of the engagements entered into by the farmers, and

as to the form and conditions of the lease.

Any breach of such conditions shall render the lease liable to annulment.

Farmer to make arrangements with local manufacturers and vendors.

22. When the duties leviable on any exciseable articles are let in farm, the farmer shall be at liberty to make his own arrangements with the manufacturers and vendors within the limits of his farm;

and all the fines hereinafter prescribed, for the unlawful manufacture, sale, or possession of any such article, shall be incurred by all persons manufacturing, selling, or possessing the same without license or authority from the farmer.

List of licenses granted by farmer to be filed.

23. Every such farmer shall file in the Collector's office a list of all the licenses granted by him in such form as may be prescribed by the Board.

Restrictions as to grant of licenses.

The Collector may, with the sanction of the Board, before entering into engagements for any such farm, make such reservations or restrictions with respect to the grant of licenses as he thinks fit.

Lease may be cancelled.

24. The Collector may, with the sanction of the Board, cancel any lease granted under this Act; or may within the period of the lease impose any new restriction on the farmer.

Compensation to farmers in certain cases.

If a lease be cancelled for any cause other than a breach on the part of the farmer of the conditions of the lease, or if any reservation or restriction with respect to the grant of licenses be imposed within the period of the lease, the farmer shall be entitled to receive such compensation for any loss which he sustains thereby as the Board thinks fit.

Recovery of arrears of fee or duty by farmers.

25. Every farmer of excise revenue may use the same means and processes for the recovery of any arrear of fee or duty due to him from any authorized vendor, as may be lawfully used by zemindars and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

PART VI.

LICENSES.

Licensees to execute counterpart and furnish security.

26. Every person taking out a license under this Act shall execute a counterpart engagement in conformity with the tenor of the license, and shall give such security for the performance of his engagement, or make such deposit in lieu of security as the Collector may require.

Duration and renewal of license.

27. Unless the Board shall otherwise specially direct, every license shall be granted for the term of one year, and if continued to the holder thereof, shall be formally renewed from year to year.

But every person holding a license, who may intend not to renew it, shall give notice of his intention to the Collector at least fifteen days before the year expires.

If such notice be not given, and the license be not recalled by the Collector, the license held, and engagement entered into, by every such person shall remain in force for such time as the Collector may think fit, as if the said license and engagement had been formally renewed.

Board may regulate form of license.

28. The Board may regulate the form and conditions of all licenses granted under this Act.

License may be cancelled or recalled in certain cases.

29. The Collector may cancel any license granted under this Act, if the fee or duty therein specified be not duly paid, or in case of a violation of any other condition thereof, or of the holder being convicted of a non-bailable criminal offence;

and in such cases the holder shall not be entitled to a refund of any fee or duty payable under the license which he may have paid to the Collector in advance.

If the Collector desires to recall a license for any cause other than those above specified, he shall give fifteen days' previous notice and remit a sum equal to the fee or duty for fifteen days,

or, if notice be not given, shall make such further compensation for default of notice as the Commissioner or Board directs.

In all such cases any fee or duty already paid in advance shall be refunded.

Surrender of license.

30. Any licensed vendor may surrender his license on giving fifteen days' previous notice to the Collector, and paying a sum equal to the fee or duty for fifteen days in addition to the sum payable under the license.

PART VII.

Powers of Officers.

Collectors to have charge of the excise revenue.

31. The collection of the revenue arising from the manufacture and sale of exciseable articles shall be ordinarily under the charge of the district Collectors, who shall perform the duties connected therewith under the control and direction of the Commissioners and of the Board;

and all proceedings of the Collectors shall be subject, with or without appeal, to the revision of the Commissioners;

and all proceedings of the Collectors and Commissioners shall be similarly subject to the revision of the Board.

Local Government may appoint Superintendent of Excise.

32. The Local Government may appoint any person to be Superintendent of Excise Revenue, or of any branch of excise revenue, in any district or place; and the person so appointed shall exercise, in such district or place, or with respect to such branch of excise revenue, all the powers and authority conferred by this Act on the Collector, and the Collector shall cease to exercise such powers and authority in such district or place, or with respect to such branch of excise revenue, during the continuance of such appointment.

Local Government may appoint Commissioners of Excise.

33. The Local Government may also appoint a Commissioner or Commissioners for the control and direction of the officers having charge of the excise revenue in any district or districts;

and when such appointment is made, the Commissioner of Excise shall exercise, within such district or districts, the powers and authority conferred by this Act on Commissioners of Revenue, and the Revenue Commissioner shall cease to exercise such powers and authority in such district or districts during the continuance of such appointment.

Collectors may appoint excise officers.

34 Collectors may appoint such officers as are necessary for the collection of the excise revenue and for the prevention of smuggling, and the officers so appointed shall, in addition to their ordinary designations, be styled Excise Officers.

Board may regulate supply of tárí and intoxicating drugs to licensed vendors.

35. The Board may regulate the mode in which tárí shall be supplied to licensed vendors of the same; and may frame rules for the grant of licenses or passes to persons purchasing, transporting, or storing ganja, bhang or siddhi, or charas for the supply of the licensed vendors of those drugs.

The Board may also place the cultivation, preparation, and store of such drugs under such supervision as may be deemed necessary to secure the duty leviable thereon.

Recovery of arrears of fee or duty.

36. The Collector may recover any arrear of fee or duty due on account of any license granted under this Act,

or any arrear due from any farmer of excise revenue,

by distress and sale of the moveable property of the person from whom the arrear is due, or of his surety, or by the process described in Bengal Act VII of 1868.

Power of excise officers to enter and inspect licensed dealer's shop.

37. The Collector may, by a warrant under his hand, authorize any excise officer above the rank of a peon to enter and inspect at all times, by day or by night, and may similarly authorize any excise officer to enter and inspect, at all times by day, the shop or premises in which any licensed manufacturer or retail vendor carries on the manufacture of spirituous or fermented liquors, or the sale of exciseable articles.

38. The Collector may, by a warrant under his hand, authorize any excise officer to stop and detain all persons carrying any exciseable articles liable to confiscation under section 75;

And to arrest persons carrying exciseable articles liable to confiscation

and any excise officer so authorized may seize such articles, and arrest the person in possession of the same.

39. Any excise officer above the rank of a peon may arrest any person having in his possession an unlicensed still, or any exciseable article liable to confiscation under section 75, or engaged in the unlawful manufacture or sale of such exciseable articles,

And to arrest unlicensed distillers, &c

and may seize such still with all such articles, and the materials used in such manufacture.

40. Whenever any excise officer above the rank of a peon has reason to believe, from information given by any person (which information shall be taken down in writing),

And to search on information of illicit manufacture or possession

that any exciseable articles are unlawfully manufactured;

or that any exciseable articles, liable to confiscation under section 75, are kept or concealed in any house, boat, or other place,

such officer may, but always in the presence of an officer of police not being under the grade of a corporal or head constable, enter into any such house, boat, or place;

and in case of resistance, may break open any door, and force and remove any other obstacle to such entry;

and may seize and carry away all stills and materials used in such manufacture and all such exciseable articles;

and may also arrest the occupier of the house, boat, or place, with all other persons concerned in the manufacture of such articles, or in the keeping and concealing of the same.

41. The Local Government may confer on the officers of the Police, Customs, and Revenue Departments, or any of them, the powers given to excise officers by the two last preceding sections with respect to the seizure of, and search

Officers of the Police, Customs, and Revenue Departments may be vested with same powers as excise officers.

for, exciseable articles and the arrest of persons in possession thereof.

All officers so empowered shall be deemed to be excise officers within the meaning of this Act.

Similar powers to be exercised by police officers in Calcutta.

42. The said powers may, in the town of Calcutta, also be exercised by any police officers specially selected by the Commissioner of Police for such purpose;

and the powers which are conferred upon the Collector by this Act, as regards the issue of warrants directed to excise officers, may also be exercised by the Commissioner of Police for the said town in respect of the issue of warrants directed to police officers selected as aforesaid;

provided that the Collector shall not issue a warrant directed to a police officer, nor shall the Commissioner of Police issue a warrant directed to an excise officer.

Excise or police officer may arrest persons drinking, and seize liquors drunk on the premises of a chemist, &c.

43. Any excise or police officer above the rank of peon or constable, who has reason to believe that any chemist, druggist, apothecary, or keeper of a dispensary within the town or the suburbs of Calcutta, or in Howrah, allows, between sunset and sunrise, spirituous or fermented liquors, which have not been *bonâ fide* medicated, to be drunk on his business premises by any person not employed in his business,

may enter upon such premises, and seize and carry away such liquors,

and, in case of resistance, break open any door and force and remove any other obstacle to such entry or seizure,

and arrest and detain the owner or occupier of the said premises, with all parties concerned in such unlawful drinking.

Excise officer to report every arrest, seizure or search to his official superior, and to take the person arrested to the Magistrate.

44. Whenever an excise officer makes any arrest, seizure, or search under this Act, he shall, within twenty-four hours thereafter, make a full report of all the particulars of the same to his official superior, and, unless acting under the warrant of the Collector, shall carry the person arrested, or

the article seized, with all convenient despatch, to a Magistrate, or, if the arrest, seizure, or search has been made in the town of Calcutta, to a Presidency Magistrate.

Police officer in Calcutta to make report to Commissioner of Police

45. Whenever any police officer in the town of Calcutta makes any arrest, seizure, or search under this Act he shall, within twenty-four hours thereafter, make a full report of all the particulars to the Commissioner of Police, and shall carry the person arrested, or the article seized, with all convenient despatch, to a Presidency Magistrate;

and the Commissioner of Police shall at once inform the Collector of the fact of the arrest or seizure, and of the circumstances of the case.

Collector may issue warrant of arrest in certain cases.

46. The Collector may issue his warrant for the arrest of any person whom he may have reason to believe, either from information in writing or from the proceedings in any other case, to be engaged in the unlawful sale of excisable articles, or to have in his possession any such articles liable to confiscation under section 75.

Collector may issue search warrant

47. The Collector may issue his warrant for the search of any house, boat, or other place in which he may have reason to believe that excisable articles are unlawfully manufactured, or that any such articles liable to confiscation under this Act are kept or concealed.

Such warrant may be executed by any officer, not being under the rank of a corporal or head constable, in the manner prescribed in section 40.

Procedure after arrest or seizure.

48. Whenever any person is arrested, or any articles are seized under the warrant of a Collector, the Collector, after such enquiry as he thinks necessary, shall send the person arrested, or the article seized, to a Magistrate, or, if the arrest or seizure has been made in the town of Calcutta, to a Presidency Magistrate, or shall order the the immediate discharge of such person, or the release of such articles.

49. Every such Magistrate shall issue a summons requiring the attendance of the person accused in all cases other than those of persons sent in custody by a Collector or excise officer.

Procedure in cases other than those of persons sent in custody by a Collector or excise officer

50. Any exciseable articles sold in contravention of the provisions of this Act, or in breach of any of the conditions of a license granted under this Act, may be seized at the time of the sale and brought before every such Magistrate

Seizure and disposal of exciseable articles unlawfully sold.

As soon as the case is adjudicated, they shall be restored to the person who may have purchased them or disposed of as the Magistrate may direct.

51. Where there is ground to suspect that exciseable articles are unlawfully concealed in any zenana, the officer charged with the execution of a warrant shall, except in the town of Calcutta, follow the provisions of sections 384, 385, and 386 of the Code of Criminal Procedure, and, in the said town, the provisions of sections 164, 165 and 166 of the Presidency Magistrates' Act

Search for articles concealed in zenana.

52. All police officers are required to aid excise officers in the due execution of this Act, upon notice given or request made by such officers.

Police officers to assist excise officers on request

PART VIII.

Penalties.

53. Whoever manufactures or sells any exciseable article without a license shall be liable to a fine not exceeding five hundred rupees for every such manufacture or sale.

For unlicensed manufacture or sale of exciseable articles

Nothing contained in the first clause of this section or in section 11 applies to the sale by licensed wholesale vendors of such small quantities of beer, wines, or spirits, as may appear to the Collector to be used only as samples;

or to the arrangements under which tárí is supplied to licensed retail vendors, or the sale of tárí, or any preparation of the same when supplied or used for the manufacture of gúr or molasses;

or to the sale of any imported spirituous or fermented liquors purchased by any person for his private use, and so disposed of upon such person quitting a station or after his decease.

For unlicensed cultivation of plants producing intoxicating drugs, and abatement of the same.

54. Whoever, without a license from the Collector, cultivates plants from which intoxicating drugs are produced, or in any way promotes such illegal cultivation, shall be liable to a fine not exceeding five hundred rupees, and the plant so cultivated shall be liable to seizure and confiscation.

For constructing or working distillery or brewery without license

55. Whoever constructs or works a distillery after the European method, or a brewery, without a license from the Collector, shall be liable for every such offence to a fine not exceeding one thousand rupees,

and all liquors manufactured at any such distillery or brewery, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

For contravention of rules prescribed by Board in respect of distillery or brewery.

56. Every proprietor or manager of a licensed distillery constructed and worked after the European method, or of a brewery, who wilfully contravenes any rule made by the Board under section 8, shall be liable for every such offence to a fine not exceeding two hundred rupees.

For illegal removal of spirituous or fermented liquors from European distillery or from a brewery

57. Whoever removes, or attempts to remove, from any licensed distillery constructed and worked after the European method, or from any brewery, any spirituous or fermented liquors upon which the duty has not been paid, or for the duty on which a bond has not been executed, or any such liquors for which the Collector has not issued a pass, or exceeding the quantity for which a pass has been issued, shall be liable for every such offence to a fine not exceeding one thousand rupees.

58. Whoever removes, or attempts to remove, any spirituous liquors from a distillery established under section 9 without a pass, or exceeding the quantity for which a pass has been issued,

For illegal removal of spirituous liquors from native distillery.

or introduces, or attempts to introduce, for sale, any spirituous liquors manufactured at another place into the limits fixed for the consumption of such liquors manufactured at such distillery, without a special pass from the Collector,

shall be liable for every such offence to a fine not exceeding five hundred rupees.

59. Every manufacturer or vendor under this Act who fails to produce his license on the demand of any excise officer,

For refusing to produce license on demand of excise officer, or for breach of license.

or who commits any act in breach of any of the conditions of his license not otherwise provided for in this Act,

or who wilfully contravenes any rule made by the Board under section 10, otherwise than as provided in the last preceding section,

shall be liable for every such offence to a fine not exceeding fifty rupees,

and such fine shall be recoverable from such manufacturer or vendor, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other persons employed by him.

60. Every licensed retail vendor who sells by wholesale, and every licensed wholesale vendor who makes a retail sale, shall be liable for every such offence to a fine not exceeding two hundred rupees.

On retail vendor for selling wholesale, and on wholesale vendor for selling by retail.

Nothing contained in the first clause of this section shall be held to prohibit the grant to the same person of both wholesale and retail licenses, subject to the provisions of this Act.

61. Any person, other than a licensed manufacturer or vendor, or a person duly authorized to supply licensed vendors, having in his possession any greater quantity of any exciseable article or any preparation or admixture of the same, than the quantity specified for each article in section 15, without a pass from the Collector or other officer duly empowered in that behalf, shall be liable to a fine not exceeding five hundred rupees.

For possessing a greater quantity of any exciseable article than is specified in section 15 without license or pass.

Nothing contained in the first clause of this section, or in section 17, applies to any imported exciseable article purchased by any person for his private use or consumption and not for sale.

62. The provisions of section 61, so far as they relate to the possession of fermented liquors, do not apply to the possession of tárí when supplied or used for the manufacture of gúr or molasses; and the provisions of the said section, so far as they relate to the possession of intoxicating drugs, do not apply to the possession of such drugs by any person duly authorized under this Act to cultivate the plants which produce these drugs.

Provisions of last section not to apply to the possession of tárí used in making sugar, nor to the possession of intoxicating drugs by licensed cultivators.

63. But every such cultivator selling or parting with any such plant, or any preparation thereof, to any person other than a licensed vendor, or person duly authorized to purchase the same by pass or license from the Collector, or failing to account for any quantity of such plant, or of any preparation thereof, which has been in his possession, shall be liable to a fine not exceeding five hundred rupees.

Penalty for sale or transfer by cultivators to unlicensed person, or for failure to account for stock of plant in possession.

64. Any person who is found in possession of any spirituous liquors manufactured at any place in India beyond the limits of British India, without a pass from the Collector certifying the payment of the duty prescribed therefor under section 19, shall be liable to a fine not exceeding two hundred rupees.

For illegal possession of certain spirituous liquors.

65. Every proprietor, farmer, tehsildar, gomashtah, or other manager of land, who authorizes or connives at the manufacture or sale of any exciseable articles by any unlicensed person, shall be liable for every such offence to a fine not exceeding five hundred rupees.

For conniving at the illicit manufacture or sale of excisable articles.

66. Any chemist, druggist, apothecary, or keeper of a dispensary within the town or the suburbs of Calcutta, or in Howrah, who shall, between sunset and sunrise, allow spirituous or fermented liquors which have not been *bonâ fide* medicated to be drunk on his business premises by any person not employed in his business,

On chemist, &c., allowing liquors to be drunk on the premises.

and any such person who shall, between sunset and sunrise, drink such liquors on such premises,

shall be liable to a fine not exceeding two hundred rupees, in addition to any other penalty to which he may be liable under this or any other Act.

67. Every licensed vendor who permits drunkenness, riot, or gaming in his shop, or receives any wearing apparel or other effects in barter for any exciseable article, shall be liable for every such offence to a fine not exceeding two hundred rupees.

For permitting drunkenness, &c., in shop.

68. Any police officer who, without lawful excuse, neglects or refuses to assist an excise officer on being required to do so shall be liable to a fine not exceeding five hundred rupees.

On police officer for not assisting excise officer.

69. Any excise officer who, without reasonable ground of suspicion, enters or searches, or causes to be entered or searched, any house, boat, or other place,

On excise officer for vexatious search or seizure.

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any exciseable article liable to confiscation under this Act,

or vexatiously and unnecessarily detains, searches, or arrests any person,

shall be liable for every such offence to a fine not exceeding five hundred rupees

On excise officer for conniving at unlawful manufacture or sale

70. Any excise officer who connives at the unlawful manufacture or sale of excisable articles,

and any officer invested with local jurisdiction who authorizes or connives at the establishment of any unlicensed shop for the sale of such articles in any place subject to his control,

shall be liable for every such offence to a fine not exceeding five hundred rupees.

On excise officer for delay in reporting arrest, &c., or in carrying person arrested to Magistrate or Collector.

71. Any excise or police officer who neglects to report the particulars of an arrest, seizure, or search within twenty-four hours thereafter,

or delays carrying to a Magistrate or to the Collector, as the case may be, any person arrested, or any illicit articles seized under this Act,

shall be liable for every such offence to a fine not exceeding two hundred rupees.

Adjudication of fines and seizures

72. All fines prescribed for offences against the provisions of this Act, and all seizures of goods liable to confiscation under this Act, shall be adjudged by a Magistrate, and, in the Town of Calcutta, by a Presidency Magistrate,

but no proceedings shall be taken by any such Magistrate after the expiration of six calendar months from the date of the commission of the offence.

All such fines and seizures shall be adjudged on the information of the Collector or any excise officer; but such information shall not be necessary in the case of a complaint preferred under any of the five last preceding sections.

Penalty for contempt of Court.

73. The Collector, in respect of the duties to be performed by him under this Act, may punish any contempt committed in his presence in open court by fine not exceeding two hundred rupees.

Punishment on second or subsequent conviction.

74. Whenever any person is convicted of an offence against the provisions of this Act, punishable with a fine of two hundred rupees or upwards, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding six months;

and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Imprisonment under this Act may be either simple or rigorous, as the Magistrate or Presidency Magistrate may direct.

Confiscation of excisable articles.

75. Any excisable article manufactured, or held in possession, in contravention of the provisions of this Act, and all the materials used, or intended to be used, in the manufacture of the same, shall be liable to seizure and confiscation by an officer duly empowered in that behalf.

When any articles liable to confiscation under this Act are seized, the vessels, packages, and coverings in which they are contained, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

Disposal of confiscated articles.

76. All confiscated articles shall be made over to the Collector for sale or disposal under such rules as the Board may prescribe.

Division of fine among persons instrumental in detection of offence, &c.

77. Whenever any fine is levied under this Act from a person convicted of the unlawful manufacture, sale, purchase, or possession of any excisable article,

or of the unlawful cultivation of plants from which intoxicating drugs are produced,

the Magistrate shall inform the Collector of such levy, and the Collector may, under such rules as the Board may prescribe, direct the amount of such fine to be divided, in such proportions as he may think fit, among any persons who were instrumental in the detection of the offence, the seizure of the articles in respect

of which the offence was committed, or the capture of the offender;

and may award compensation thereout to any persons subjected to annoyance or injury by any proceedings under this Act.

Board may grant rewards

78 The Board may, either before or after the adjudication of a case, grant such reward, not exceeding two hundred rupees, as to them may seem fit;

and may direct the same to be divided, in such proportions as they may think fit, between any persons who were instrumental in the detection of the offence, the seizure of the articles in respect of which the offence was committed, or the capture of the offender.

Disposal of fines.

79. The Board may appropriate any portion, not exceeding one half, of the fines levied under this Act, the disposal of which is not specially provided for, for rewarding informers, or for compensating persons subjected to annoyance or injury by any proceedings under this Act.

PART IX.

Military Cantonments.

Manufacture and sale of excisable articles in military cantonments

80. Within the limits of any military cantonment, and within a distance of two miles, or such other distance as the Local Government may in any case prescribe, from such limits, licenses for the manufacture and sale of excisable articles shall not be granted, nor shall the duties leviable thereon be let in farm, otherwise than with the consent of the Commanding Officer; and upon the requisition of such officer, any license which has been granted, either by the Collector or by a farmer, within such limits or distance, shall be immediately withdrawn.

Mode of making arrest or search within military cantonments.

81. In all other respects the provisions of this Act shall have effect within such limits and distance as aforesaid.

Provided that, when arrest or search is to be made within the limits of any cantonment, the Collector or other officer authorized to make arrest or search shall, whenever it may be practicable, give previous notice to the Commanding Officer, and in all other cases shall report the arrest or search to such Commanding Officer with as little delay as possible.

PART X.

Miscellaneous.

Exemption of liquor from provisions of Act

82 The Local Government may, within any specified district or tract of country, exempt any liquor from the provisions of this Act.

Appeals

83. An appeal shall lie to the Commissioner against every order of a Collector under this Act, if presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days from the date of the order appealed against.

An appeal shall lie to the Board against every order of a Commissioner under this Act, if presented to the Board within sixty days from the date of the order appealed against.

Provided that it shall be discretional with the Board to receive appeals direct from orders passed by a Collector.

Local Government may assign to any Municipality the granting of licenses.

84. Notwithstanding anything contained in this or in any other Act, the Local Government may, with the sanction of the Governor-General in Council, assign to the Corporation of the Town of Calcutta, or to any other Municipality, such functions and powers as it shall think fit in respect to the granting, withholding, and withdrawal, of licenses for the sale of exciseable articles (being functions and powers which, but for such assignment, might legally be exercised by any officer of Government), to be exercised by such Corporation or by such Municipality within the limits of their respective jurisdictions under such conditions and subject to such rules as the Local Government may impose; and the Local Government may at any time withdraw

and revoke any functions and powers which it has assigned under this section.

Provided that such functions and powers shall not be assigned as aforesaid without the consent of the said Corporation or the Municipality concerned:

Provided also that no such conditions or rules shall be imposed by the Local Government after such assignment has taken place without the consent of the said Corporation or the Municipality concerned.

Saving of Cantonment Act and Sea Customs Act.

85 Nothing contained in this Act shall be held to affect the provisions of Act XXII of 1864 (*an Act to make provision for the Administration of Military Cantonments*) or of the Sea Customs Act, 1878, or of Bengal Acts II and IV of 1866.

SCHEDULE.

(*See Section* 3.)

PART I.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and year	Subject	Extent of repeal
Act XI of 1849	For securing the abkaree revenue of Calcutta.	So much as has not been repealed
Act XXI of 1856 ..	To consolidate and amend the abkaree law in Bengal	So much as has not been repealed

PART II.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year	Subject.	Extent of repeal
Act III of 1873	To amend Act XI of 1849 and Act XXI of 1856.	The whole.
Act I of 1874	To amend Act XXI of 1856 and Bengal Act II of 1866	So far as it relates to Act XXI of 1856.
Act II of 1876	To amend Act XI of 1849, Act XXI of 1856 and Bengal Act IV of 1866	So much as has not been repealed, except section 12

Reg No. 3318—D E. J. & R P. D.—2,500—1-8-78.

ACT No. VIII OF 1878.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 10th April* 1878, *and of the Governor-General on the 15th June* 1878)

An Act for the regulation of the Rural Police in the Districts of Hazaribagh and Lohardugga.

PART I.

PRELIMINARY.

Preamble

WHEREAS it is expedient to make provision for the appointment, dismissal, maintenance, and duties of village policemen and road patrols in the districts of Hazaribagh and Lohardugga; it is enacted as follows:—

Short title, extent, and commencement.

1. This Act may be called the Hazaribagh and Lohardugga Rural Police Act; it extends only to the districts of Hazaribagh and Lohardugga; and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Deputy Commissioner."

"Deputy Commissioner" includes the Deputy Commissioner of the district and any officer appointed by the Local Government to perform the functions of a Deputy Commissioner under this Act.

Price 1 *anna* 6 *pies*

"Headman" means the person entrusted with collecting the village rents, by whatever designation he may be called.

"Headman."

"Road patrol" includes ghatwals, digwars, and all other persons, by whatever name they may be called, who are engaged in the performance of the duties assigned by this Act to road patrols.

"Road patrol."

"Under-tenure" includes also jaghir, khúr-o-posh, mukarrari, and thika.

"Under-tenure."

"Village" includes a group of villages.

"Village."

"Village policeman" includes chowkeedars, goraits, and kotwars.

"Village policeman."

"Zemindar" means the person whose name is registered in the general register of lands paying revenue directly to Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of revenue-free lands as proprietor of a revenue-free tenure.

"Zemindar."

PART II.

VILLAGE POLICE.

3. The Deputy Commissioner shall determine the number of village policemen to be appointed for each village within his district: provided that there shall be at least two village policemen appointed for every village in which there are one hundred and fifty houses, and one additional village policeman for every complete number of one hundred houses beyond such number of one hundred and fifty.

Number of village police to be determined by Deputy Commissioner.

4. Where there are fewer than seventy-five houses in a village, and some house in such village is situated within one mile of some house in another village, the Deputy Commissioner may join such villages together and appoint one village policeman for two or more villages: provided that where two or more

Joining of two or more villages under one village policeman.

villages are joined together, one village policeman shall not have charge of more than one hundred and twenty-five houses.

Deputy Commissioner to determine salaries of village policeman.

5. The Deputy Commissioner shall from time to time determine the monthly salaries of the village policeman:

provided that such salaries shall not be less than two nor more than three rupees per mensem for each village policeman;

provided also that in determining such salaries the Deputy Commissioner shall take into consideration the value of the chakran lands (if any) held by a village policeman.

Certain zemindars and under-tenure holders liable to pay salaries of village policeman.

6. Wherever any zemindar or under-tenure holder holds subject to the condition, expressed or implied, of maintaining the village police within his zemindari or under-tenure, he shall be liable to pay the amount determined by the Deputy Commissioner under the last preceding section.

Salaries to be raised by assessment and persons liable to assessment.

7. In cases other than those referred to in the last preceding section, the amount required for the salaries of the village policemen, together with a sum, not exceeding fifteen per cent. of such amount, to provide for payment of the expenses of collection and losses from the non-realization of sums from defaulters, shall be assessed on each village;

and all owners or occupiers of houses in any village, and every zemindar or under-tenure holder who has a bhander or cutcherry for the collection of rent within the village, shall be liable to assessment for the purposes of this Act.

Method of assessment.

8. The amount payable by each village shall be fixed by the Deputy Commissioner, and thereupon the headman of such village shall prepare a list showing the amount payable monthly by each person liable to assessment in such village.

Such list, when sanctioned by the Deputy Commissioner, shall be published at some conspicuous place within the village, and shall remain in force until altered by the Deputy Commissioner;

provided that if the headman neglects to prepare the list within three months from the fixing by the Deputy Commissioner

of the amount payable by the village, the Deputy Commissioner may cause such list to be prepared by such means as shall seem to him proper.

Nature and amount of assessment

9. The amount at which each person is assessed under the last preceding section shall be fixed according to the circumstances and the property to be protected of such person:

provided that the amount to be assessed on any one person shall not exceed one rupee per mensem in the case of a zemindar, under-tenure holder, or trader, nor eight annas per mensem in the case of an ordinary ryot;

provided also that all persons who, in the opinion of the Deputy Commissioner, are too poor to pay half an anna per mensem, shall be exempted from assessment.

Alteration of assessment.

10. The Deputy Commissioner may from time to time alter the amount assessed on any village.

Notice of such alteration shall be given to the headman of the village before the month of Magh in the year preceding the year in which the alteration is to take effect.

When any such alteration is made, the headman shall prepare and submit revised lists of the sums payable by each person.

Power to confirm, amend, or remit assessment.

11. Any person dissatisfied with the amount at which he has been assessed by the headman of his village may apply to the Deputy Commissioner, either orally or in writing, for a revision of the assessment, and the Deputy Commissioner may confirm, amend, or remit the assessment.

Assessment payable monthly or quarterly in advance.

12. Every sum due under section six of this Act, and every assessment under section seven of this Act, shall be paid by equal monthly or quarterly instalments, as may appear most convenient to the Deputy Commissioner; and the instalments on account of each month or quarter shall be due on the first day of such month or quarter.

Collection of assessment.

13. The headman of each village shall collect the assessment payable by each of the persons in such village, and shall grant receipts for the same, and shall pay thereout the salaries, month by month, of the village policemen.

The Deputy Commissioner may permit the headman to retain a sum, not exceeding six per cent of the amount collected by him, for repayment of the costs of such collection.

Application by village policeman for payment of his salary.

14. Whenever the salary due for any month is not paid in full to any village policeman on or before the fifteenth day of the next succeeding month, such village policeman may apply to the Deputy Commissioner, who shall thereupon issue a notice calling on the holder of the village, whether he be a zemindar or an under-tenure holder, to pay the said salary within fifteen days from the service of the notice, and, in default, may attach his zemindari or under-tenure, and retain possession of the same until the amount due has been recovered out of the income derivable therefrom

Application for repayment of sums paid by zemindar or under-tenure holder.

15. When any zemindar or under-tenure holder, other than those referred to in section seven of this Act, has paid any arrears of salary due to any village policeman under the last preceding section, he may apply to the Deputy Commissioner for the attachment and sale of the moveable property of any person in the village who has failed to pay the amount assessed on him.

Power to distrain for arrears

16. The Deputy Commissioner shall thereupon issue a writing in the form in Schedule A hereto annexed signed by him, authorizing the headman of the village, or such other person as may be therein named, to levy, by the distraint and sale of a sufficient portion of the moveable property of such defaulters, the amount of their respective arrears, together with sums equal to a proportionate share of the cost of the distraint and sale.

Manner of executing distress.

17. The person so authorized shall seize and keep in his own custody such portion of the moveable property of such defaulters as he shall deem sufficient, and shall make an inventory of all moveable property so seized, and shall at the same time give notice by beat of drum of the time and place where it shall be sold.

The time of sale shall not be less than five nor more than ten days from the time of the proclamation thereof.

Sale in execution of warrant

18. If any defaulter does not, within the time specified in such notice, pay the amount payable by him, with his share of the costs, the moveable property distrained, or such portion of it as may be necessary, shall be sold by public outcry at the time and place specified, and the proceeds shall be applied in discharge of the amount so payable, and the costs and the surplus, if any, shall be returned to the owner of the distrained property.

The amount realized by the Deputy Commissioner under this section and the two last preceding sections, other than the costs, shall be paid to the zemindar or under-tenure holder referred to in section fifteen of this Act.

Defaulter disputing liability may apply to Deputy Commissioner.

19. Whenever any person whose name has been included in any list of defaulters disputes his liability to pay the amount mentioned in such list, or any portion thereof, he may apply to the Deputy Commissioner either orally or in writing, stating the grounds of his objection, and the Deputy Commissioner shall examine his objection and pass such order thereon as to him shall seem proper.

Distress not to be levied after a year.

20. No arrears of any assessment payable under this Act shall be levied by distress after the expiration of one year from the day on which the same shall have become due.

Irregularities not to avoid distress.

21. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any list, assessment, notice, summons,

power, writing, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him;

but all persons aggrieved by such irregularities may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction, subject to the provisions of section thirty-four of this Act.

Duties of village policeman.

22. Every village policeman appointed under this Act shall perform the following duties :—

1*st*.—He shall give immediate information to the officer in charge of the police-station within the limits of which the village of which he is village policeman is situated of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in schedule B hereto annexed which may be committed within such village, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

2*nd*.—He shall arrest all proclaimed offenders and all persons whom he may find in the act of committing any offence specified in schedule B hereto annexed.

3*rd*.—He shall observe, and from time to time report to the officer in charge of the police-station within the jurisdiction of which such village may be situated, the movements of all bad characters in such village.

4*th*.—He shall report to the officer in charge of such police-station the arrival of suspicious characters in the neighbourhood.

5*th*.—He shall present himself at such police-station twice in each week if it be within two miles of such village, and if it be more remote, once in each week or once in each fortnight, as the Deputy Commissioner may direct.

6th.—He shall supply any local information which the Deputy Commissioner or any officer of police may require.

7th.—He shall obey the orders of the Deputy Commissioner in regard to keeping watch in the village and other matters connected with his duties as village policeman.

Procedure on arrest by village policeman.

23. Whenever a village policeman arrests any person, he shall forthwith take the person so arrested to the police-station within the jurisdiction of which the village of which he is village policeman is situated: provided that if the arrest is made at night, such person shall be so taken as soon as convenient on the following morning.

PART III.

Road Patrols.

List of zemindars and under-tenure holders liable for maintenance of road patrols to be prepared.

24. As soon as may be after the commencement of this Act, the Deputy Commissioner shall prepare a list showing what zemindars or under-tenure holders within his district hold their tenures subject to a condition, expressed or implied, of protecting lines of roads or passes, and shall fix the number of road patrols to be kept up for such roads or passes, and the salary to be paid monthly to each road patrol: provided that such salary shall in no case be less than three nor more than five rupees per mensem.

Copy of entry to be given to each zemindar or under-tenure holder.

25. A copy of the entry in such list affecting him shall be given to each such zemindar or under-tenure holder.

If any zemindar or under-tenure holder is dissatisfied with such entry, he may appeal, within thirty days of the receipt of the copy of the entry, to the Commissioner, who shall pass such order as to him seems proper.

Zemindars and under-tenure holders entitled to receive rent for land held by road patrol in lieu of, or in addition to, his salary.

26. When any land is held under any zemindar or under-tenure holder by any road patrol in lieu of, or in addition to, his salary for the protection of any road or pass, the zemindar or under-tenure holder, who is responsible for the protection of such road or pass, shall, if assessed under section twenty-four of this Act, be entitled to receive rent for such land at the same rate as is paid for similar ryotwari land in the vicinity.

An order under the hand of the Deputy Commissioner in the form in Schedule C hereto annexed shall be furnished to such zemindar or under-tenure holder.

Payments to whom to be made

27. All zemindars and under-tenure holders specified in the list mentioned in section twenty-four of this Act shall pay the amount entered therein against their names to the District Superintendent of Police monthly, who shall pay the same to the road patrols to whom it may be due.

Procedure on default of payment.

28. If the amount due from any zemindar or under-tenure holder for any month is unpaid after the fifteenth day of the next succeeding month, the Deputy Commissioner shall issue a notice calling on the defaulting zemindar or under-tenure holder to pay the same, together with the costs of serving the notice, within fifteen days from the service of the notice.

Attachment of zemindari or tenure.

29. If the amount specified in the notice is not paid within fifteen days, the Deputy Commissioner may attach the holding of such zemindar or under-tenure holder, and retain possession of the same until such amount has been recovered out of the income derivable therefrom.

Duties of road patrols.

30. Every road patrol appointed under this Act shall perform the following duties :—

1*st*.—He shall patrol the roads within his beat under instructions from the District Superintendent of Police, and shall protect all travellers passing along his beat.

2nd.—He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in Schedule B hereto annexed.

3rd.—He shall report to the officer in charge of the police-station, within the jurisdiction of which his beat is situated, the movements of all bad or suspicious characters along his beat, as well as all unusual circumstances that come to his notice.

4th.—He shall supply any local information which the Deputy Commissioner or any officer of police may require.

PART IV.

MISCELLANEOUS.

Power to appoint and dismiss village policeman or road patrol.

31. Subject to the approval of the Deputy Commissioner, the District Superintendent of Police may appoint, and for any misconduct or neglect of duty may dismiss, any village policeman or road patrol.

Village policeman and road patrol not to withdraw from his duties or resign without permission

32. No village policeman or road patrol shall withdraw himself from the duties of his office without the express permission of the District Superintendent of Police, or of some other officer duly authorized to grant such permission;

and no village policeman or road patrol shall resign his office without the permission of the said District Superintendent, unless he has given to his superior officer, at least two months previously, a written notice of his intention to resign.

Power to fine village policeman or road patrol

33. Every village policeman or road patrol who is guilty of any wilful misconduct in his office or neglect of his duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, and not being of so grave a character as, in the opinion of the District Superintendent of Police, to require his dismissal from his office, shall be liable, under the order of the District Superintendent, to a fine not exceeding one month's salary.

Suits to be brought within four months of accrual of cause of action.

34. Every suit brought against the Deputy Commissioner, or any of his officers, or against any person acting under his direction, for anything done or purporting to be done, by them under this Act, shall be commenced within four months next after the accrual of the cause of action, and not afterwards.

Local Government may appoint officer to perform functions of Deputy Commissioner

35. The Local Government may, if it thinks fit, appoint any officer to perform the functions of a Deputy Commissioner under this Act.

Service of notices

36 Every notice under this Act shall be served either personally on the person to whom the notice is directed, or by affixing a true copy thereof on some conspicuous part of his dwelling-house or principal cutcherry within the district.

Saving of liability of zemindar to report crimes

37. Nothing contained in this Act shall diminish or in any way affect any liability, duty, or obligation of any zemindar or other landholder, under any law for the time being in force, to report crimes or offences occurring within his estate or tenure.

SCHEDULE A. (*See Section* 16).

Form of Distraining Warrant.

Act VIII of 1878.

On behalf of of Whereas the several persons named in the list at foot hereof have made default in payment of the sums in the said Act set opposite to their respective names, you are hereby authorized and required to levy, by distress and sale of a sufficient portion of the moveable property of the said defaulters, the said several sums set opposite to their respective names, together with additional sums by way of costs as set forth.

(Sd.)

Deputy Commissioner.

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(Sd.)

Deputy Commissioner.

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